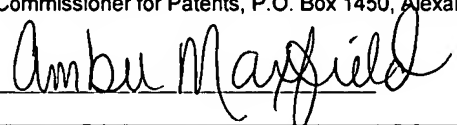


CERTIFICATE OF EXPRESS MAIL	
NUMBER	<u>EV 405192714 US</u>
DATE OF DEPOSIT	<u>11-14-03</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA, 22313-1450.	
	
Signature	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§ Group Art Unit: unk
Larry E. Moser et al.	§
	§ Examiner: unk
Serial No.: unk	§
	§ Examiner phone: unk
Filed: herewith	§
	§ Atty. Dkt. No.: 247-0039US
For: DEVICE FOR FILLING A CIGARETTE	§
TUBE WITH A METERED AMOUNT	§
OF TOBACCO	§
	§

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria VA, 22313-1450.

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. In accordance with this Office's waiver of the requirement of 37 C.F.R. § 1.98 (a)(2)(i) to submit a copies of cited U.S. patents and/or applications for national patent applications filed after June 30, 2003, copies of U.S. patents and/or applications are not included. Copies of foreign patent documents and other non-patent art, however, are attached.

In accordance with 37 C.F.R §§ 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be

an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b), or that such information constitutes prior art unless otherwise admitted as prior art on the attached Form 1449.

The present Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement. However, the Commissioner is authorized to deduct any necessary fees from Deposit Account No. 501922, referencing matter no. 247-0039US.

Applicant respectfully requests that the listed documents be considered and made of record in the present case, and that the Examiner initial the appropriate spaces on the Form 1449 to evidence the same

Respectfully submitted,

Terril G. Lewis, Reg. No. 46,065

Wong, Cabello, Lutsch, Rutherford
& Brucculeri, LLP
20333 SH 249
Houston, Texas 77070
(832) 446-2422
Fax: 832 446-2424

Form PTO-1449 (modified) List of Patents and Publications for Applicant's INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	Atty. Docket No. 247-0039US	Serial No. unk
	Inventor: Larry E. Moser et al. Title: DEVICE FOR FILLING A CIGARETTE TUBE WITH A METERED AMOUNT OF TOBACCO	
	Filing Date: herewith	Group: unk

Exam. Init.	Ref. Des.	Document Number	Date	Name	Filing Date of App.
	A1	5105830	4/21/92	Brackmann et al.	
	A2	4832056	5/23/89	Bryant et al.	
	A3	5450861	9/19/95	Colani	
	A4	4319588	5/16/82	Evans	
	A5	5072740	12/17/91	Gatschmann et al.	
	A6	4249546	2/10/81	Heil et al.	
	A7	4572216	2/25/86	Josuttis et al.	
	A8	5088506	2/18/92	Kastner	
	A9	4771793	9/20/88	Kastner	
	A10	4411278	10/25/83	Kastner	
	A11	4913171	4/3/90	Lasko	
	A12	5666975	9/16/97	Lord	
	A13	4368741	1/18/83	Meinunger	
	A14	4167948	9/18/79	Moscovitch	
	A15	4770191	9/13/88	Moscovitch	
	A16	5398701	3/21/95	Neumann et al.	
	A17	5657768	8/19/97	Neumann et al.	
	A18	4697602	10/6/87	Pelkey	
	A19	4620551	11/4/86	Ruppert et al.	
	A20	5526825	6/18/96	Ruppert et al.	
	A21	5615692	4/1/97	Ruppert et al.	
	A22	4658837	4/21/87	Ruppert et al.	
	A23	3699975	10/24/72	Saraber	
	A24	5009237	4/23/91	Schmidt et al.	

EXAMINER:**DATE CONSIDERED:**

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

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Exam. Init.	Ref. Des.	Document Number	Date	Name	Filing Date of App.
	A25	6206006	3/27/01	Schutze	
	A26	4303082	12/1/81	Thompson et al.	
	A27	4180082	12/25/79	Wachter	
	A28	6557560	5/6/2003	Kastner	6/18/01
	A29	4887617	12/19/89	Ruppert et al.	
	A30	4167091	9/11/79	Ruppert et al.	
	A31	5141000	8/25/92	Ruppert et al.	
	A32	5197495	3/30/93	Ruppert et al.	
	A33	5749378	5/12/98	Ruppert et al.	
	A34	4215705	8/5/80	Marcil	
	A35	4184591	1/22/80	Geldmacher	
	A36				

Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B1	3706504	9/8/88	Germany			No
	B2	2159054	6/22/72	Germany			No
	B3	2055673	5/31/72	Germany			No
	B4	1289563	9/20/72	UK			Yes
	B5	2150199	3/5/73	France			No
	B6						

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	Title: DEVICE FOR FILLING A CIGARETTE TUBE WITH A METERED AMOUNT OF TOBACCO	
	Filing Date: herewith	Group: unk

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C1	"Roll-Your-Own Cigarette Machines & Supplies," advertisement showing several different cigarette machines, pg. 72 (publication date and source unknown).
	C2	"A Boom in Homemade Smokes," Wall Street Journal (page and publication date unknown).
	C3	Instructions for "Supermatic II" Cigarette Machine (source and publication date unknown).
	C4	Description of "Excel Platinum Edition" Cigarette Machine, Roll Your Own Magazine (Oct. 2001) (http://www.ryomagazine.com/october2001/injectors.htm).
	C5	Description of "The Amazing Cigarette Machine," http://www.weirdlinks.com/cigmachine.htm (downloaded 10/30/02; original publication date unknown).
	C6	Cigarette machines advertised at "Randy's Tobacco Shop," http://www.thetobaccoshop.com/RYOMachIndex.htm (downloaded 10/31/02; original publication date unknown).
	C7	Cigarettes Cheaper!: The Smoker's Newspaper (July/August 2003), Advertisement for Geronimo or Noble Injector Machine.
	C8	Copy of box for "Easy Roller" cigarette machine, manufactured by C.P. Rolling ApS, and pictures of same (admitted as prior art).
	C9	Pictures of Supermatic II cigarette rolling machine, and documentation concerning same taken from http://www.jackgee.com/parts.htm ; http://www.jackgee.com/supermatic_ii.htm ; and http://www.ryomagazine.com/july2001/injectors.htm (admitted as prior art).
	C10	Pictures of MackRoller cigarette rolling machine, and documentation concerning same taken from http://www.webbspot.com/mackroller/ and http://www.webbspot.com/mackroller/cigarette_rolling_machine_vid4.html (admitted as prior art).
	C11	Cigarettes Cheaper!: The Smoker's Newspaper (August 2002)—"The Great Cigarettes Cheaper! Make-Your-Own Machine Contest!" a solicitation by the Applicant to the public seeking inputs for a cigarette-tube-filling machine design, and various responses received with various ideas in the late 2000 timeframe.
	C12	November 30, 2001 letter regarding a Taiwanese cigarette tube filing device and pictures of same.

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	Title: DEVICE FOR FILLING A CIGARETTE TUBE WITH A METERED AMOUNT OF TOBACCO	
	Filing Date: herewith	Group: unk

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C13	February 4, 2002 letter regarding a Taiwanese Chinese cigarette tube filing device and pictures of same.
	C14	"Burghart Develops Automatic Cigarette Maker for RYO Testing," Tobacco Reporter April 2002, pg. 26.
	C15	Information concerning a cigarette tube filling device made by Harting (Germany), dated 9/6/1999.
	C16	Information concerning a cigarette tube filling device (La Cigaretterie) made by Cigapur International Inc. (Canada), dated 11/22/1999.
	C17	

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